

**WASHINGTON STATE BOUNDARY REVIEW BOARD  
FOR KING COUNTY**

**REGULAR MEETING MINUTES**

**March 10, 2005**

**I. CALL TO ORDER**

Chair Judy Tessandore convened the meeting at 7:00 p.m.

**II. ROLL CALL**

Evangeline Anderson	Lloyd Baker
Charles Booth	Robert Cook
A. J. Culver	Jim Denton
Lynn Guttman	Claudia Hirschey
Roger Loschen	Michael Marchand

**III MINUTES**

Regular Meeting: Chair Tessandore presented the minutes of the Regular Meeting of February 10, 2005 for review and action by the Board members.

*Action: Roger Loschen moved and Charles Booth seconded the motion to adopt the minutes of the Regular Meeting of February 10, 2005. The Board voted unanimously to approve this record.*

**IV ADMINISTRATION**

**A. CHAIR'S REPORT**

General Business

Chair Tessandore and Lenora Blauman reported that the Board is currently working on several projects including: (1) coordinating programs with King County Executive/Council Work Program; (2) coordinating efforts with the State Association to develop and implement positions on proposed legislation at Legislature 2005; (3) administration of the proposed Fairwood Incorporation; (4) pre-development review for future Notices of Intention; (5) selecting new members to serve on the Board from 2005 – 2009; and (6) revisions to the Board Organization Rules to achieve compliance with new state and regional regulations. Committee members and staff will report periodically on each of these activities.

**B. ORIENTATION**

King County Comprehensive Plan – Karen Wolf, Office of the Executive

Karen Wolf presented the King County Comprehensive Plan. Ms. Wolf stated that the Plan has been prepared to comply with the provisions of the Growth Management Act. The Plan and a companion document, King County Countywide Policies, establish the goals, objectives, and policies for planning in King County. The Plan was initially developed in 1990. The documents are updated periodically. The most recent revisions occurred in 2004.

More specifically, King County planning documents set and administer policies for the Urban Growth Area and for Rural Areas in order to guide land growth and land management. The King County Plan/Planning Policies address populations and growth targets, land use and land development, land annexation/incorporation, economic development, housing, human services, transportation, infrastructure/public services, open spaces/recreation areas, and the natural environment.

In recent planning, King County has placed substantial emphasis on the encouragement of annexation of unincorporated urban growth areas. Annexation is being encouraged to achieve compliance with the intent of the Growth Management Act (which calls for local

governments to serve citizens of urban areas). In that way, the County can channel growth and land uses in urban areas.

Annexation is also being encouraged so that King County can utilize the funds now required to serve urban areas in order to better provide regional services and rural services mandated by the Growth Management Act and the King County Comprehensive Plan. More specifically, King County is required to provide transportation systems, health care, wastewater management services and environmental protection programs. With annexation of urban lands, the County can better focus on funding for regional capital improvement projects, regional transportation facilities, and economic development/protection of critical areas, agricultural lands, and timber lands.

The County has designed and implemented an Annexation Initiative, whereby County officials meet with officials of each local government and citizens of unincorporated areas designated for annexation to that jurisdiction to encourage annexation. There are approximately ten sizeable urban unincorporated land areas that are slated to be annexed to various cities in King County.

Citizens remain the drivers of annexation under state law. However, to the extent that the County is able to work with affected citizens and government representatives to facilitate (and provide financial incentives for) the annexation process, there is an improved likelihood of near-term annexation.

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Ms. Wolf reported that the Growth Management Act and the King County Comprehensive Plan/Countywide Policies have provided a successful foundation for guiding and controlling growth and specific land development/infrastructure in King County.

County officials are cognizant of the recent citizen actions to place stringent constraints on growth management in Oregon. This action appears to reflect citizen discontent with a growth management system which is encompassing and which requires considerable interpretation in order to achieve implementation objectives. Further, Oregon has created a hierarchical (i.e., top down) approach to growth management.

In contrast, Washington has provided a more clear and delimited Growth Management Act. Washington has also provided for substantial citizen involvement in the development of planning goals, policies, and regulations. As such, while some citizens may be discontented with a particular policy set (e.g., the critical areas ordinance), there is significant general support for growth management in our urban communities and rural communities.

#### Annual Growth Report - Chandler Felt, Office of Management and Budget

Chandler Felt presented an overview of the 2004 Annual Growth Report and the companion Benchmarks Report. These Reports communicate the state of King County and monitor progress toward achievement of the County Comprehensive Plan/Countywide Policies.

The Annual Growth Report addresses:

- Ten Years of Growth Management
- Population Transition: Unincorporated King County to Local Jurisdictions
- Growth Targets for the 21<sup>st</sup> Century
- Capacity on Vacant and Redevelopable Land
- Puget Sound Economy
- King County Population

The Benchmarks Reports address:

- The Economy
- The Environment
- Land Use
- Affordable Housing
- Transportation

Mr. Felt reported that, in general, the Puget Sound Region remains on a reasonably steady course with respect to each Benchmark. The economy, however, continues to experience varying upward and downward movement. While the regional economy has remained down, King County's budget shortfall is less for 2005 than for recent previous years.

Mr. Felt reported that, of particular interest to the Boundary Review Board, is the profile of incorporations and annexations. Over the past 15 years, there has been substantial transfer of urban lands to local jurisdictions by incorporation (10 new cities) or by annexation. More than 200,000 citizens have thereby joined cities.

At present, there are approximately ten large urban growth areas (200,000 citizens) which remain under the jurisdiction of King County. Eight of these areas are slated to be annexed to various cities. However, two substantial areas – White Center and West Hill – are not designated for annexation to any particular city. The County is working with Seattle and Renton to encourage the annexation of West Hill. Similarly, Seattle and Burien are being encouraged to consider annexation of White Center.

The County is seeking to ensure that all urban areas are incorporated or annexed by 2012. This transfer will facilitate more efficient use of urban lands and provision of more effective services. This transfer will also provide more protection/service to rural areas.

#### **C. COMMITTEE REPORTS**

Chair Tessandore reported that preliminary Committee assignments will remain as proposed for the present. Final assignments will be established when Board membership is confirmed for 2005.

##### Personnel Committee:

*Boundary Review Board Membership:* Charles Booth and Lenora Blauman reported that, on March 9, 2005, the Office of the King County Executive appointed two new members to the Board – Lynn Guttman and Angela Brooks. Ms. Guttman is a management consultant. She is a civil engineer with extensive professional experience in public works and planning. Ms. Brooks is an urban planner with a special interest in the fields of land use, housing, and geography.

These appointments must be confirmed by the King County Council. Under King County Code, appointees become full voting member 30 days from the date that the Council Clerk receives notification of the appointments. It is anticipated that the Clerk will receive the notices of appointment on March 11, 2005. However, the specific date for the Council to consider these appointments is not yet established by the Council Clerk.

Ellen Abellera and Lloyd Baker may need to continue to serve on the Board until the new appointments are confirmed by the Council.

##### Legislative Committee:

Roger Loschen and Lenora Blauman reported that the Legislature is in the process of honing the bills under consideration for 2005. The State Association is continuing to actively monitor annexation-related bills proposed to the Legislature.

The State CTED Study of Annexation Impediments and Strategies (funded by the State of Washington) was anticipated to the basis for substantial proposed legislation for 2005.

It was initially planned that CTED and/or the American Planning Association (Washington Chapter) would initiate legislation to:

- Modify the Growth Management Act to promote an orderly process and schedule for annexation of all lands within urban growth areas; and
- Modify annexation statutes to clearly establish whether/how counties and cities could determine the appropriateness of an area for annexation;
- Establish new and separate revenue sources to support services provision by counties and cities.

In fact, neither CTED nor APA has proposed legislation. King County did propose some legislation relating to streamlining of annexation processes and to provision of new funding sources for cities and counties.

Several bills of interest to the Association were placed before the House Local Government Committee and/or the Senate Government Operations Committee. Some of those bills remain viable; other bills appear to be dead for 2005.

In order to remain on the Legislature's docket, policy bills were required to be out of the House Local Government Committee and/or Senate Government Operations Committee by March 2. Bills with fiscal impacts remained viable until March 7.

The next deadline is Wednesday, March 16 – which is the last day that the two houses can consider their own bills (except for bills that have impact on the budget). After that, the bill will move from the house of origin into the other house for additional review. Bills may change drastically when they go to the other House so the Association is asking that all members work to help tracking bills. Last year a bill that was “dead” was resurrected for addition to the Governor's budget; that resurrection resulted in the requirement for the CTED Study on Annexation Impediments and Strategies.

Following is the status of currently viable bills of interest to the State Association:

[HB 1285](#) proposes that cities required to plan under the growth management act be provided with authority to facilitate annexations between cities and counties within their urban growth boundary. This bill provides for annexation to be accomplished through interlocal agreements between a county and a city. The legislation provides for one public meeting to be conducted by the jurisdictions party to the agreement. Boundary Review Board assessment would be specifically eliminated from the annexation process. Thus, there would be no neutral forum for public review. Further, there would be no independent review of the action to ensure logical and orderly growth.

The bill did not have a hearing before House Local Government. The bill is, therefore, reportedly dead for this session.

[HB 1417](#) proposes that when a city seeks to assume a portion of a special purpose district, then that proposed action must go to election by the entire city and by customers of the special purpose district. Independent review by the Boundary Review Board would be eliminated from this assumption process.

This bill has passed out of the House Local Government Committee. It is in the House Rules Committee awaiting third reading. The public may attend Rules Committee meetings. However, there is no opportunity for public testimony.

Any House Rules Committee member who considers the bill as a priority can forward the bill for floor action. If the bill survives this process, then it will be forwarded to the Senate Government Operations Committee.

Then the bill also must go through the entire review process in the Senate. The Senate may provide the Association with the best opportunity to testify persuasively in an effort to secure the demise of this particular bill.

In accord with a suggestion by Marcia Fromhold, the Association has sent a brief message to all Rules Committee members asking them not to move the proposed bill forward. Then, the Association will determine if the bill can be amended to better serve the interests of affected jurisdictions and citizens. If, so, then the Association (with the aid of Ms. Fromhold) can work to prepare an amendment and to find a legislator willing to offer the amendment on the floor.

[HB 1932](#) provides for a resolution method for annexation of “islands.” More precisely, the legislative body of a code city may by ordinance annex containing residential property owners to the city if there is within the city unincorporated territory containing a maximum of 250 acres and having at least 60% of the boundaries of such area contiguous to the city or town. All cities in King County – except for the City of Seattle – are code cities. This bill specifically eliminates citizen referenda. The Boundary Review Board is specifically omitted from the review process as well.

The Association took a position in opposition to this bill, based upon the change in the expanded definition of “island” – now established as a maximum of 100 acres with a minimum 80% contiguous boundary. The Association also opposed the abolition of public review as a result of the proposals for (1) elimination of the review by the boundary review board; and (2) the termination of provisions for referenda.

The bill was brought to public hearing at the House Local Government Committee on February 23, 2005. Michael Marchand presented testimony on behalf of the Association and distributed a position paper to the Committee members. Lenora Blauman and Marcia Fromhold were also in attendance. The Board packet includes the Association position paper on the bill.

Michael Marchand reported that Michael Thomas (representing King County Office of the Executive) testified that a bill to streamline the annexation process would be desirable – however, the County considers HB 1932 to be a “work in progress” and would prefer to see the bill amended to achieve consistency with the intent of RCW 36.93. Futurewise representatives and Building Association representatives supported the intent of the bill, but suggested that boundary review process should be restored by amendment to HB 1932. The City of Auburn supported the bill as presented. AWC did sign in favor of the bill, but did not testify for the record. Opposing the bill were BRBs and the Fire Commissioners’ Association. WSAC was silent on the matter.

Mr. Marchand stated that, at the suggestion of Marcia Fromhold, the Association sent a message to Representative Clibborn to request that she spearhead an effort to either amend the bill or wait until next year to introduce a better bill. HB 1932 was reviewed by – but not passed forward from -- the Local Government Executive Committee. The bill is apparently dead for this Session.

[SB 5589](#) allows a city to exclude agricultural lands from its boundaries. The Association would have an interest in this bill based upon its potential affect upon urban boundaries. Boundary Review Board duties are not addressed in this bill. The American Planning Association took a formal position in opposition to the bill. That position paper is enclosed in the Board packet

The initial hearing on this bill occurred on February 7, 2005. The bill passed out of Senate Executive Committee and is now in the Senate Rules Committee.

[SB 5334](#) authorizes a surtax to be imposed by annexing cities (with voter approval) for a transition period of up to 10 years. It is based upon the CTED Annexation Study recommendations. The bill was originally formulated by and for the City of Kirkland, but has been modified for more general application. On March 7, 2005, the modified bill was approved for second reading in the Senate.

The bill does not modify Boundary Review Board principles or procedures.

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Additional bills of general interest include:

[SB 5268](#) provides for assumption by ordinance of small special-purpose districts (i.e., those serving fewer than 250 customers) by cities with populations of more than 100,000 people. The bill does not modify Boundary Review Board principles or procedures.

[SB 5371](#) deals with systems and procedures relating to a utility district acquisition of facilities from a city. It would not appear to have widespread effect in general. The bill does not modify Boundary Review Board principles or procedures.

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Members are encouraged to frequently review all of the bills to obtain the most current information on all bills. [The bills that the State Association is tracking can be found on the web page \(http://www.wsbrb.org/BRB%20Leg\\_tracking.htm\).](http://www.wsbrb.org/BRB%20Leg_tracking.htm)

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At the suggestion of Claudia Hirschey, the Board will request that the Association dedicate time at the Spring Workshop and/or Fall Conference to consideration of means by which the organization can provide proactive recommendations for legislation which will streamline the annexation process while retaining the basic goals of the system for ensuring citizen generation of actions and appropriate independent oversight of the transfer of unincorporated lands to local jurisdictions.

#### **D. Executive Secretary's Report**

Fairwood Incorporation: Mrs. Blauman reported that the Fairwood Task Force incorporation petitions have been validated by the King County Office of Records and Elections. A review of the proposed boundaries (and legal description) is underway at present.

King County is beginning the process of conducting the Incorporation Study and the Community Telephone Survey in order to provide base information to the Fairwood Task Force and to the Boundary Review Board for consideration of the proposed incorporation.

However, there is no official Notice of Intention for Incorporation, as the preliminary application materials remain incomplete. Special Assistant Attorney General Robert Kaufman and Mrs. Blauman are working with the Task Force to correct the errors and omissions in the Notice of Intention.

More specifically: Mr. Kaufman and Mrs. Blauman have been providing written documentation describing requirements for incorporation. Additionally, Mrs. Blauman initiates regular telephone conferences with Ron Billock, Chair of the Task Force, in order to answer questions and provide status reports so as to encourage thorough understanding of requirements and actions by the Board.

Maplewood Addition: Maplewood Addition citizens, currently proposed to be included in the Fairwood Incorporation, are actively considering whether they would choose incorporation. Some citizens would prefer either annexation to Renton or remaining in King County.

Mrs. Blauman has been working with the citizens to assist them in understanding the provisions of the laws and the regulatory processes that dictate review of applications for incorporation and annexation. There has also been discussion of the standards which must be achieved in order for Maplewood Addition to remain in King County.

The Fairwood Task Force is courting the Maplewood Addition at community meetings and by written materials distributed in the community. Task Force members are visiting Maplewood Addition citizens to discuss the incorporation proposal.

The City of Renton is also evaluating citizen interest in annexation. More specifically, citizen petitions for annexation were submitted to the City of Renton on March 7, 2005. The City is working to confirm the validity of the petitions. If the petitions are sufficient, then the City will work diligently to submit a Notice of Intention for Annexation in the very near future in order to comply with the provisions of RCW 36.93.116 and RCW 35.02.155.

These regulations state that the Board may simultaneously consider a proposed annexation (Maplewood Addition) and incorporation (Fairwood) under specific circumstances. To wit: simultaneous review is permitted if the Notice of Intention for Annexation is filed with the Board within 90 days of the filing of the petitions for incorporation. As the incorporation petitions were filed with the County on February 1, 2005, the Notice of Intention for the Annexation would need to be filed on May 3, 2005.

The Boundary Review Board could consider a Notice of Intention for Annexation that is submitted following May 3, 2005. However, in this situation, the Board may be required to give priority consideration to a valid proposal for incorporation.

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At the request of the Board, Mr. Kaufman presented a report identifying Growth Management Act polices and King County Comprehensive Plan/Countywide Planning Policies that address incorporation.

Mr. Kaufman reported that the County Comprehensive Plan includes a single policy (U-206) which specifically addresses incorporation. That policy states that: "King County shall favor annexation over incorporation as the preferred method of governance transition. King County will not support incorporations when the proposed incorporation is financially infeasible."

The County is currently conducting a study for the proposed Fairwood Incorporation. The study will include a fiscal feasibility study. The results of that study and other required analyses will serve, in part to determine whether King County will support this proposed incorporation.

King County Boundary Review Board Orientation Programs: Mrs. Blauman reported that the Boundary Review Board Orientation Program will continue in April, 2005, when the Board will hear from Special Assistant Attorney General Robert Kaufman concerning basic authorities and responsibilities of the Boundary Review Board.

WSABRB Spring Workshop: WSABRB Chair Don Oehler, Susan Winchell and Kathy Mohebbi will be coordinating the Association's Spring Training Workshop (scheduled for May 18, 2005 in Ellensburg, Washington). The preliminary Association Program is provided in the packets.

This Workshop will be valuable for new members because it will provide information about basic rules and responsibilities. For new and more experienced Boundary Review Board members, the event will also provide interesting material relating to diverse contemporary activities – and legal challenges – underway throughout the State of Washington.

WSABRB Fall Conference: The Association's Fall Conference which is scheduled for September 28 – 30 in Bellingham, Washington. The Conference will take place at the Lakeway Inn. The Conference theme will be "Growth Management." Sessions are being planned to address a variety of growth management issues, such as land development and moratoria; services provision (e.g., water resources and water rights); and environmental preservation (e.g., best available sciences). Ideas for other program topics, speakers, and activities are welcome.

Conference events will be planned by a committee including Don Oehler (Whatcom County), Charles Booth (King County), and Susan Winchell (Spokane County). The first

planning meeting took place on March 9, 2005. The team will be meeting monthly to coordinate the event. An initial invitation and program will be available in May, 2005.

Periodic status reports will be provided to the Boundary Review Board.

#### **E. CORRESPONDENCE**

Correspondence was reviewed briefly. No questions or issues were raised with respect to the substance of the correspondence.

### **V. NEW BUSINESS**

#### **A. NOTICES OF INTENTION**

##### File No. 2184: King County Fire District 26/39 Merger:

Mrs. Blauman reported that the King County Fire Protection District No. 26 (Des Moines Fire Department) and King County Fire Protection District No. 39 (Federal Way Fire Department) have provided a Notice of Intention based upon a Resolution for Merger of Fire Protection District Service Areas.

King County Fire Protection District No. 26 (Des Moines Fire Department) proposes a merger with King County Fire Protection District No. 39 (Federal Way Fire Department), an independent Fire Protection District. King County Fire Protection District No. 26 boundaries are contiguous with the boundaries of the City of Des Moines. King County Fire Protection District No. 39 includes the entire City of Federal Way. The District also encompasses unincorporated territories, including a substantial corridor immediately east of the City of Federal Way and two small islands surrounded by the City of Kent.

The merger between Fire Protection District No. 26 and Fire District No. 39 was proposed in order to improve the overall level of fire protection service to the greater community.

Prior to authorizing the merger, the affected Fire Protection Districts conducted studies in order to ensure that this action to combine the Fire Protection Districts would be conducive to public health, welfare and safety, would provide convenient services to customers, and would offer benefits to the natural and built environments in the City of Des Moines, the City of Federal Way, and to the unincorporated territory in King County.

The proposed combined Fire Protection Districts will serve the entire populace of the City of Des Moines, the City of Federal Way, the larger unincorporated parcels east of Federal Way and the small unincorporated parcels within the boundaries of the City of Kent.

The Fire Protection Districts currently work in concert so that a merger would serve primarily to formalize organization structure and function. This merger is intended to enhance services through improved efficiencies and reduced costs for facilities and operations management.

The Board members raised no substantive questions concerning the application.

##### File No. 2185: City of Renton Honey Creek East Annexation

Mrs. Blauman reported that the City of Renton proposes the annexation of 27.5 acres, known as the Honey Creek East Annexation. Renton City Council adopted this annexation proposal in November 2001 under the 60% petition method established in RCW 35.14A. An application for annexation was submitted initially in January of 2002.

The Boundary Review Board completed its evaluation of the Notice of Intention and closed the file. However, the City of Renton was in process of preparing a final ordinance approving the annexation, when the State Supreme Court issued an opinion



declaring that the 60% petition method of annexation (under which Honey Creek East was proposed) to be unconstitutional. Thus, the City of Renton was unable to proceed with the proposed annexation at that time. The City notified the Boundary Review Board of the circumstances requiring termination of the annexation.

Subsequently, the Supreme Court reversed that opinion, thereby, reinstating the 60% petition method of annexation. The City of Renton, therefore, now wishes to proceed with the Honey Creek East Annexation.

The Notice of Intention submitted presently is precisely the same Notice of Intention initially submitted in 2002.

The Board members raised no substantive questions concerning the application.

File No. 2186: City of Renton Park Terrace Annexation

Mrs. Blauman reported that the City of Renton proposes the annexation of 7.65 acres, known as the Park Terrace Annexation. This annexation was proposed under the 60% petition method), pursuant to RCW 35A.14. Renton City Council adopted the petition for annexation in December of 2004.

Board members raised no substantive questions concerning the application.

File No. 2187: City of Renton Maplewood East Annexation

Mrs. Blauman reported that the City of Renton proposes the annexation of 26.14 acres, known as the Maplewood East Annexation. This annexation was proposed under the 60% petition method), pursuant to RCW 35A.14. Renton City Council adopted the petition for annexation in November of 2004.

Board members raised no substantive questions concerning the application.

**B. PENDING FILES**

Auburn	Covington
Kent	Ronald Sewer District
Woodinville	Kirkland
Federal Way	Renton (2 files)
Tukwila	Redmond

**VII. ADJOURNMENT**

*Action: Charles Booth moved and Michael Marchand seconded a motion to adjourn the Boundary Review Board Regular Meeting. The Board voted unanimously in favor of the motion. The meeting was adjourned at 9:05 p.m.*